

05-10-07

IAP6 Rec'd PCT/PTO 09 MAY 2007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:  
David Sue San Ho

U.S. Appl. No.: 10/579,637 ✓

PCT No.: PCT/US04/38774

International Filing Date: 11/18/2004

Group Art Unit:

Docket No. 274751.105PCT

Examiner: Virginia L. Irby

Customer No: 42161

**RECOVERY OF PHYTONUTRIENTS  
FROM OILS**

TRANSMITTAL LETTER

May 9, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

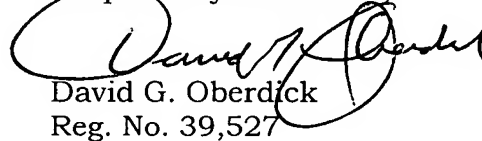
Sir:

Please find enclosed: a Transmittal Form (1 pg.); a Response To The Notification of Missing Requirements Under 35 U.S.C. 371 in The United States Designated/Elected Office (DO/EO/US) (2 pps.); a Declaration (2 pps.); a Notification of Missing Requirements Under 35 U.S.C. 371 (2 pps.); a Return Receipt Postcard; and an Express Mail Certification (1 pg.) in respect to the application of David Sue San Ho.

Please send all correspondence in connection with this application to Meyer, Unkovic & Scott LLP, 1300 Oliver Building, Pittsburgh, PA 15222.

Please be authorized to charge any fees and or credit any overpayments to deposit account 50-3325. The below-signed individual is an authorized user of said account.

Respectfully submitted,

  
David G. Oberdick  
Reg. No. 39,527

Meyer, Unkovic & Scott LLP  
1300 Oliver Building  
Pittsburgh, PA 15222  
412-456-2800

Attorneys for Applicant

DGO/tma



PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

PCT/US04/38774

Filing Date

November 18, 2004

First Named Inventor

David Sue San Ho

Art Unit

Examiner Name

Virginia L. Irby

Attorney Docket Number

274751.105PCT

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):Declaration, Transmittal letter, Express Mail  
Certification, Return Postcard

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Meyer, Unkovic &amp; Scott LLP

Signature

Printed name

David G. Oberdick, Esq.

Date

May 9, 2007

Reg. No.

39,527

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

David G. Oberdick, Esq.

Date

May 9, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/579,637	David Sue San Ho	274751.105

INTERNATIONAL APPLICATION NO.

PCT/US04/38774

I.A. FILING DATE

PRIORITY DATE

11/18/2004

11/19/2003

42161  
 MEYER UNKOVIC & SCOTT LLP  
 1300 OLIVER BUILDING  
 PITTSBURGH, PA 15222

CONFIRMATION NO. 4792

371 FORMALITIES LETTER



\*OC000000022994902\*

Date Mailed: 03/21/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/18/2006
- Preliminary Amendments filed on 05/18/2006
- Information Disclosure Statements filed on 09/25/2006
- U.S. Basic National Fees filed on 05/18/2006
- Priority Documents filed on 05/18/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$430 for a Large Entity:

- **\$130 Surcharge.**
- The application search fee has not been paid. Applicant must submit **\$100** to complete the search fee.

Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

- The application examination fee has not been paid. Applicant must submit \$200 to complete the examination fee for a non-small entity. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

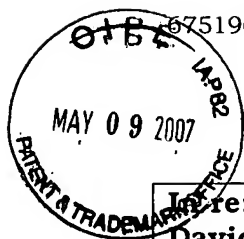
**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/579,637	PCT/US04/38774	274751.105



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. Appl. No.: 10/579,637

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**RECOVERY OF PHYTONUTRIENTS  
FROM OILS**

May 9, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO THE NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Dear Sir/Madam:

In response to the Notification of Missing Requirements, which was mailed on March 21, 2007, the above-identified Applicant respectfully submits the following items:

1. Declaration (2 pages); and
2. Notification of Missing Requirements Under 35 U.S.C. 371 (2 pages).

The Applicant believes that the present application now satisfies all formalities and should be in an acceptable form for further examination.

Please be authorized to charge the total fees required for this application, being \$430 for Large Entity, to Deposit Account number 50-3325. The below-signed

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re: Application of:</b> <b>David Sue San Ho</b>  <b>U.S. Appl. No.: 10/579,637</b>  <b>PCT No.: PCT/US04/38774</b>  <b>International Filing Date: 11/18/2004</b>  <b>Group Art Unit:</b>  <b>Docket No. 274751.105PCT</b>  <b>Examiner: Virginia L. Irby</b>  <b>Customer No: 42161</b>	<b>RECOVERY OF PHYTONUTRIENTS FROM OILS</b>
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Pittsburgh, Pennsylvania  
May 9, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**EXPRESS MAIL CERTIFICATION****37 C.F.R. §1.10**

Express Mail Label No.: EV 835212696 US

Date of Deposit: May 9, 2007

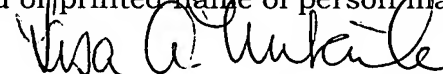
Description of Contents:

Transmittal Letter (1 pg.); Transmittal Form (1 pg.); Response To The Notification of Missing Requirements Under 35 U.S.C. 371 in The United States Designated/Elected Office (DO/EO/US) (2 pps.); Declaration (2 pps.); Notification of Missing Requirements Under 35 U.S.C. 371 (2 pps.); and a Return Receipt Postcard.

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lisa A. Mikula

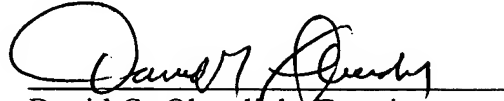
(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

individual is an authorized user of said Account. Additionally, please be authorized to charge any under-payments or credit any overpayments to said Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David G. Oberdick", is written over a horizontal line.

David G. Oberdick, Esquire  
Registration No. 39,527

Meyer, Unkovic & Scott, LLP  
1300 Oliver Building  
Pittsburgh, PA 15222  
(412) 456-2800

Attorneys for Applicant

05/14/2007 MKAYPAGH 00000093 503325 10579637

01 FC:1633	200.00 DA
02 FC:1641	100.00 DA
03 FC:1617	130.00 DA